Proximate Cause of Injury Resulting from Falling Telegraph Pole.—A telegraph company had its line of poles and wires constructed along one side of a public road. On the opposite side several men were cutting down trees for a box company. Just as one of the trees was about to fall, two of the men engaged in cutting went out into the road. As the tree, which was a tall pine, fell, it struck another tree, glanced or turned from its course, and fell in or partly across the road. Either some of its limbs or part of the other tree, struck the wires of the defendant on the opposite side of the highway, breaking some of them, and a pole to which they were attached fell into the road, striking one of the two men who were standing there, causing his death. The pole was rotten at the point where it entered the ground, and a sound pole nearer the point of impact did not fall. Held, that, even if the telegraph company failed to use ordinary care in inspecting and maintaining its poles, nevertheless, under the facts stated, the injury was not the legal and natural result of its negligence so as to authorize a recovery against it for the homicide. This is so, although the act of cutting down the tree may not in any sense have been negligent or wrongful. In this connection, see Perry *v.* Central R. Co., 66 Ga. 746; Mayor and Council of Macon *v.* Dykes, 103 Ga. 847, 31 S. E. 443; Henderson *v.* Dade Coal Co., 100 Ga. 568, 28 S. E. 251, 40 L. R. A. 95; Dubuque Wood & Coal Association *v.* City and County of Dubuque, 30 Iowa 176; City of Rockford *v.* Tripp, 83 Ill. 247, 25 Am. Rep. 381; Handelun *v.* Burlington, Cedar Rapids & Northern Ry. Co., 72 Iowa 709, 32 N. W. 4. Postal Telegraph Cable Co. *v.* Kelly, 67 S. E. 803.

This is a headnote opinion by Supreme Court of Georgia.

Liability of Hirers of Animals.—A., the owner of a mule, hired it to B., who placed it in an ordinarily safe inclosure. The mule broke out of this inclosure at night, wandered onto an uninclosed vacant lot of C., then in the possession of D. as a tenant. The vacant lot was in the town of East Point. On this lot there was an old unprotected well, into which the mule fell and was killed. A. brought suit to recover the value of the mule, against the town and against B., C., and D., as joint tort-feasors. Held, the action did not lie, and a nonsuit was properly granted. The town was not liable, because the accident was not on the highway. The owner of the vacant lot, or his tenant, was not liable, because as to them the mule was a trespasser, and they owed no duty to the owner thereof to keep the well inclosed. The hirer of the mule was not liable, because he placed the mule in an ordinarily safe inclosure. The inherent viciousness of the mule alone was the proximate cause of its death, and the case is damnum absque injuria. Weeks, Damnum Absque Injuria, § 9; Blyth *v.* Topham, Cro. Jac. 158; 1 Rol. Abr. 88; How-